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Appeal Brief

In re the Application of:

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METHOD, SYSTEM, AND PROGRAM FOR IMPLEMENTING AN AUCTION
USING CALENDAR INFORMATION

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I.   <u>Real Party in Interest</u>

The entire right, title and interest in this patent application is assigned to real party in interest International Business Machines Corporation.

II.   <u>Related Appeals, Interferences, and Judicial Proceedings</u>

There are no prior and pending appeals, judicial proceedings or interferences known to the appellant which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III.   Status of the Claims

Claims 1-13, 15, 17-30, and 32-44 are pending and have been rejected.

The final rejection of the claims in the Final Office Action dated September 26, 2007 ("Sept. 2007 FOA") is being appealed for all pending claims 1-13, 15, 17-30, and 32-44.

IV.   <u>Status of Amendments</u>

No amendments have been submitted following the Final Office Action.

V.   Summary of the Claimed Subject Matter

        A.   Independent Claim 1

        The preamble recites a method for implementing an auction. The Specification

("Spec.") discloses that the field of the invention is a method "for implementing an

auction using calendar information." (Spec, pg. 1, lines 6-7).

        Below is an explanation of the claimed subject matter of claim 1 referring to the

specification and drawings, where the claim requirements are underlined.

        maintaining scheduled event records for a user within a computer database,

wherein each scheduled event record indicates a scheduled event for the user at a

calendar time slot

        The Specification discloses scheduled event records 52 in FIG. 3a implemented in

a PIM (Personal Information Manager) server 24. (Spec., pg. 16, lines 17-20) The PIM

server 24 includes a PIM database 22 including for each user one or more scheduled

event records 52 including a scheduled event description 74 providing information on a

scheduled event for the user. (Spec., pg. 7, lines 9-20)

        receiving a request for bids for a service from the user indicating a time period,

wherein the service is to be performed during a calendar time slot within the indicated

time period, wherein the user comprises one of a service provider seeking bidders to

purchase services offered by the user and a service user seeking service providers to bid

to offer their services

        The Specification discloses a bid request form 500 in FIG. 10 implemented by the

PIM server 24 that the user would use to enter parameters to allow service providers to

bid for a requested service for a calendar time period as part of a reverse auction. The bid

request includes a specified time period 554 which is a range during which bids may be

submitted for the service for the specified time period. (Spec., pg. 16, line 23 to pg. 17,

line 20, FIGs. 10 and 11)

        The Specification discloses that the user submitting the request for bids may

comprise a user requesting a service for a calendar time period. Additionally,

professionals may make their calendar information available for a direct auction to allow

clients/bidders to bid to purchase the professional's time for specific time periods.
(Spec., pg. 16, lines 17-25, pg. 19, line 25 to pg. 20, line 11)

<u>determining scheduled event records for the user within the indicated time period</u>

The Specification discloses a bid request 550 data structure the user transmits to
the PIM server including modified scheduled event records 552a, b…n based on the user
scheduled event requires for the specified time period. (Spec., pg. 17, lines 9-18, FIG.
11). Further, the bid submittal 570 form generated by the PIM server 24 provided to
bidders displays a calendar of time slots based on the modified scheduled event records
552a, b…n, which are based on (or determined from) the scheduled event records. (Spec,
pg. 6, lines 6-15) The scheduled event records are thus determined when preparing the
modified scheduled event records 552a, b…n included in the bid request 550 used to
generate the bid submittal 570 form.

<u>generating a template to display a calendar for the indicated time period showing
time slots, wherein an available time slot comprises a time range in the indicated time
period that does not include one scheduled event as indicated in the scheduled event
records</u>

The Specification discloses a bid submittal 570 form generated by the PIM server
24 displaying a calendar of time slots for the specified time period. (Spec., pg. 18, lines
6-18, FIG. 12) The service provider may enter a bid by selecting a time slot. (Spec, pg.
18, lines 24-26) FIG. 12 shows time slots indicated as busy or having a bid. The user
may edit the calendar time periods to block off further time slots to preclude bidding
during such time slots. (Spec., pg. 17, lines 3-9). Further, the BUSY block is displayed
for a time period specified in a modified scheduled event record for which there is a
scheduled event record. (Spec., pg. 18, lines 12-15) Thus, the BUSY condition for a time
slot, indicating its unavailability, is displayed for time slots for which there is a modified
scheduled event record based on a scheduled event record. <u>See, also,</u> Spec., pg. 19, line
25 to pg. 20, line 11)

receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount

The Specification discloses how bidders use the bid submittal form 570 to submit a bid for a time slot not indicated as busy and transmit to the PIM server 24, which receives the bid. (Spec., pg. 18, line 6 to pg. 19, line13, FIGs. 12 and 13)

B.   Independent Claim 15

The preamble recites a system a personal information manager (PIM). The Specification discloses a wireless device 2 including a PIM client 20. (Spec., pg. 5, lines 11-24, FIG. 1).

Below is an explanation of the claimed subject matter of claim 15 referring to the specification and drawings, where the claim requirements are underlined:

means for displaying scheduled events of a user for designated calendar time slots, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the PIM client 20 of the wireless device 2 gathers and presents PIM information, such as calendaring and scheduling information. (Spec., pg. 5, lines 19-25) The user of the wireless device 2 displays information downloaded from the server in the electronic display 18. The Specification further discloses that a user of the PIM system may select the view calendar button 508 in the request for bids 500 user interface to display the schedule for the time period. (Spec., pg. 16, line 23 to pg. 17, line 5, FIG. 10)

means for displaying a bid form indicating a bid for a service to be performed at available time slots void of a scheduled event

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the PIM server 24 generates a user interface 570 in FIG. 12 to provide to bidders through which

the bidders may indicate a bid for a server in the time slots. (Spec., pg. 18, lines 6-26, FIG. 12) With respect to the structure corresponding to this function, the Specification discloses that the "bidders may access the bid submittal form through a web based interface, such as a HyperText Transfer Protocol (HTTP) server, using a web client, such as an Internet browser." (Spec., pg. 18, lines 8-11)

<u>means for receiving input indicating at least one bid for the service to be performed at one available time slot</u>

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the "service provider may enter a bid through the bid submittal form 570 by selecting a time slot in the HTML implementation of the bid submittal form displayed in the service provider's computer web browser". (Spec., pg. 18, lines 23-26, FIG. 12)

<u>means for submitting the bid form including the received input indicating at least one bid, over a network, for the service during one available time slot</u>

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that an HTML template is used to submit the bid parameters back to the PIM server 24. "In response to selection of the time slot, the PIM server 24 would transmit a further HTML template to display a dialog box in which the bidder may enter the bid parameters and transmit such bid parameters back to the PIM server 24." (Spec., pg. 18, line 26 to pg. 19, line 2) The PIM server 24 is shown in FIG. 1 as communicating over a network 10. Further, the "PIM server 24 would transmit an HTML page implementing the bid submittal form 570 to enable bidders to submit bids." (Spec., pg. 18, lines 9-11) The Specification further notes that bidding may be done over a network, such as the Internet. ("The PIM server 24 generates information from the submitted template 500 at a centralized electronic bulletin board that third parties may access to submit bids at calendar time periods. The electronic bulletin board may be accessible over the Internet or on a private network. ", Spec., pg. 18, lines 1-5)

With respect to the structure, the HTML bid submittal form and device the bidders use to submit bids comprises the structure for submitting bids to the PIM server 24.

C.   Independent Claim 18

The preamble recites a system for implementing an auction.   The Specification discloses that the PIM server 24 implements a reverse auction program that allows service providers to submit bids for a user requested service for a calendar time period. (Spec., pg. 16, lines 16-23).

Below is an explanation of the claimed subject matter of claim 18 referring to the specification and drawings, where the claim requirements are underlined:

a computer database

The Specification discloses a PIM database 22 used with a reverse auction where service providers submitted bids to provide a service to the user based on the user's availability as determined by the scheduled event records 52 (FIG. 3a) in the user records 50 in the PIM database 22.   (Spec., pg. 19, lines 25-27).   The PIM database 22 is shown in the server 4 including the PIM server 24. (FIG. 1).

means for maintaining scheduled event records for a user within the computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses scheduled event records 52 in FIG. 3a implemented in the PIM server 24. (Spec., pg. 16, lines 17-20) The PIM server 24 includes a PIM database 22 including for each user one or more scheduled event records 52 including a scheduled event description 74 providing information on a scheduled event for the user. (Spec., pg. 7, lines 9-20).

means for receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the

indicated time period, wherein the user comprises one of a service provider seeking
bidders to purchase services offered by the user and a service user seeking service
providers to bid to offer their services

With respect to the function performed by this means limitation and structure
disclosed as corresponding to this function, the Specification discloses a bid request form
500 in FIG. 10 that the user would use to enter parameters to allow service providers to
bid for a requested service for a calendar time period as part of a reverse auction. The bid
request includes a specified time period 554 which is a range during which bids may be
submitted for the service for the specified time period. (Spec., pg. 16, line 23 to pg. 17,
line 20, FIGs. 10 and 11)

The Specification discloses that the user submitting the request for bids may
comprise user requesting a service for a calendar time period. Additionally,
professionals may make their calendar information available for a direct auction to allow
clients/bidders to bid to purchase the professional's time for specific time periods.
(Spec., pg. 16, lines 17-25, pg. 19, line 25 to pg. 20, line 11)

With respect to the structure, the Specification discloses that the PIM server 24
includes an HTML implementation of the bid request form 500 to transmit to users to
allow users to provide the PIM server 24 with information to implement a reverse
auction. (Spec., pg. 16, lines 25-27).

means for determining scheduled event records for the user within the indicated
time period

With respect to the function performed by this means limitation and structure
disclosed as corresponding to this function, the Specification discloses a bid request 550
data structure the user transmits to the PIM server 24 including modified scheduled event
records 552a, b…n based on the user scheduled event requires for the specified time
period. (Spec., pg. 17, lines 9-18, FIG. 11). Further, the bid submittal 570 form
generated by the PIM server 24 provided to bidders displays a calendar of time slots
based on the modified scheduled event records 552a, b…n, which are based on (or
determined from) the scheduled event records. (Spec, pg. 6, lines 6-15) The scheduled

event records are thus determined when preparing the modified scheduled event records included in the bid request 550 used to generate the bid submittal 570 form.

Further, with respect to the structure, the Specification discloses that the PIM server 24 includes an HTML implementation of the bid request form 500 to transmit to the user of the PIM system (Spec., pg. 16, lines 23-25) and the user transmits the bid request 550 data structure including the determined modified scheduled event records to the PIM server 24. (Spec., pg. 17, lines 9-11).

<u>means for generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records</u>

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the PIM server 24 generates a bid submittal 570 form displaying a calendar of time slots for the specified time period. (Spec., pg. 18, lines 6-18, FIG. 12) The service provider may enter a bid by selecting a time slot. (Spec, pg. 18, lines 24-26) FIG. 12 shows time slots indicated as busy or having a bid. The user may edit the calendar time periods to block of further time slots to preclude bidding during such time slots. (Spec., pg. 17, lines 3-9). Further, the BUSY block is displayed for a time period specified in a modified scheduled event record for which there is a scheduled event record. (Spec., pg. 18, lines 12-15) Thus, the BUSY condition for a time slot, indicating its unavailability, is displayed for time slots for which there is a modified scheduled event record based on a scheduled event record. <u>See, also,</u> Spec., pg. 19, line 25 to pg. 20, line 11)

With respect to the corresponding structure, the Specification discloses that the PIM server 24 would generate and provide to bidders the bid submittal form 570 to use. The bidders may access the bid submittal form through a web based interface, such as a HyperText Transfer Protocol (HTTP) server, using a web client, such as an Internet browser. The PIM server 24 would transmit an HTML page implementing the bid submittal form 570 to enable bidders to submit bids. The PIM server 24 may periodically refresh the bid submittal form 570 to update bid information. (Spec., pg. 18, lines 6-13).

<u>means for receiving at least one bid for the service for one available time slot in</u>
<u>which the service is to be performed, wherein the bid indicates an amount</u>

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses how bidders use the bid submittal form 570 to submit a bid for a time slot not indicated as busy, and that the PIM server 24 receives that bid. (Spec., pg. 18, line 6 to pg. 19, line13, FIGs. 12 and 13) Thus, the PIM server 24 comprises the corresponding structure that receives the bid.

D.   <u>Independent Claim 32</u>

The preamble recites an article of manufacture including code for implementing an auction. The Specification discloses "a program for implementing an auction using calendar information." (Spec, pg. 1, lines 6-7). The Specification further discloses that the article of manufacture refers to code or logic implemented in hardware logic or a computer readable medium. (Spec., pg. 22, lines 3-26)

Below is an explanation of the claimed subject matter of claim 32 referring to the specification and drawings, where the claim requirements are underlined:

<u>maintaining scheduled event records for a user within a computer database,</u>
<u>wherein each scheduled event record indicates a scheduled event for the user at a</u>
<u>calendar time slot</u>

The Specification discloses scheduled event records 52 in FIG. 3a implemented in a PIM (Personal Information Manager) server 24. (Spec., pg. 16, lines 17-20) The PIM server 24 includes a PIM database 22 including for each user one or more scheduled event records 52 including a scheduled event description 74 providing information on a scheduled event for the user. (Spec., pg. 7, lines 9-20)

<u>receiving a request for bids for a service from the user indicating a time period,</u>
<u>wherein the service is to be performed during a calendar time slot within the indicated</u>
<u>time period, wherein the user comprises one of a service provider seeking bidders to</u>
<u>purchase services offered by the user and a service user seeking service providers to bid</u>
<u>to offer their services</u>

The Specification discloses a bid request form 500 in FIG. 10 that the user would use to enter parameters to allow service providers to bid for a requested service for a calendar time period as part of a reverse auction. The bid request includes a specified time period 554 which is a range during which bids may be submitted for the service for the specified time period. (Spec., pg. 16, line 23 to pg. 17, line 20, FIGs. 10 and 11)

The Specification discloses that the user submitting the request for bids may comprise user requesting a service for a calendar time period. Additionally, professionals may make their calendar information available for a direct auction to allow clients/bidders to bid to purchase the professional's time for specific time periods. (Spec., pg. 16, lines 17-25, pg. 19, line 25 to pg. 20, line 11)

<u>determining scheduled event records for the user within the indicated time period</u>

The Specification discloses a bid request 550 data structure the user transmits to the PIM server including modified scheduled event records 552a, b…n based on the user scheduled event requires for the specified time period. (Spec., pg. 17, lines 9-18, FIG. 11). Further, the bid submittal 570 form generated by the PIM server 24 provided to bidders displays a calendar of time slots based on the modified scheduled event records 552a, b…n, which are based on (or determined from) the scheduled event records. (Spec, pg. 6, lines 6-15) The scheduled event records are thus determined when preparing the modified scheduled event records included in the bid request 550 used to generate the bid submittal 570 form.

<u>generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records</u>

The Specification discloses a bid submittal 570 form displaying a calendar of time slots for the specified time period. (Spec., pg. 18, lines 6-18, FIG. 12) The service provider may enter a bid by selecting a time slot. (Spec, pg. 18, lines 24-26) FIG. 12 shows time slots indicated as busy or having a bid. The user may edit the calendar time periods to block of further time slots to preclude bidding during such time slots. (Spec.,

pg. 17, lines 3-9). Further, the BUSY block is displayed for a time period specified in a modified scheduled event record for which there is a scheduled event record. (Spec., pg. 18, lines 12-15) Thus, the BUSY condition for a time slot, indicating its unavailability, is displayed for time slots for which there is a modified scheduled event record based on a scheduled event record. See, also, Spec., pg. 19, line 25 to pg. 20, line 11.

receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount

The Specification discloses how bidders use the bid submittal form 570 to submit a bid for a time slot not indicated as busy, and that the PIM server 24 receives that bid. (Spec., pg. 18, line 6 to pg. 19, line13, FIGs. 12 and 13)

E.   Dependent Claim 26

The preamble of claim 26, which depends from claim 18, recites that the user is a service provider requesting that clients bid for the user to provide the service during available time slots.   The Specification discloses that the reverse auction program allows service providers to submit bids for a user requested service for a calendar time period. And that the user of the PIM system would enter parameters to allow service providers to bid for a requested service as part of reverse auction. (Spec., pg. 16, lines 16-25, pg. 19, lines 25-27)

This claim further requires:

means for determining, in response to an expiration of the bidding period, one bid in each of a plurality of available time slots having a highest bid amount for the available time slot if there is at least one bid submitted for the time slot in response to an expiration of the bidding period

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the PIM server 24 implements the logic of FIG. 14 and determines bids to accept for a bid request, and determines the bid having the highest bid amount for each available calendar time slot. (Spec., pg. 20, line 21 to pg. 21, line 1, FIG. 14)

means for accepting bids having the highest bid amounts in the available time slots.

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the PIM server 24stores the determined highest bids as accepted bids. (Spec., pg. 21, lines 1-3, FIG. 14)

F.   Dependent Claim 28

Claim 25 recites the system of claim 18 and further requires means for displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

With respect to the function performed by this means limitation and structure disclosed as corresponding to this function, the Specification discloses that the PIM server 24 includes an HTML implementation of the bid request form 500 to transmit to users to provide the PIM server 24 with information to implement a reverse auction. The bid request from 500 includes a view calendar button 508 the user selects to display the schedule for the time period specified in field 502 and edit the displayed calendar time periods to block off further time slots to preclude bidding during such time slots or open other time slots for bids. (Spec, pg. 16, line 25 to pg. 17, line 8)

VI.   Grounds of Rejection to Be Reviewed on Appeal

A concise statement listing each ground of rejection presented for review is as follows:

A.   Claims 1-13, 15, 17-30, and 32-44 are rejected under (35 U.S.C. §103(a)) as obvious over Gans ("Contracts and Electricity Pool Prices", by Gans, Jun. 1998) in view of Calabria ("Lotus Notes 4.5 and the Internet").

VII.   Argument

      A.   Rejection Under 35 U.S.C. §103 Over Gans in view of Calabria

          1.   Claims 1-8, 12, 18-25, 29, 32-39, and 43

Independent claims 1, 18, and 32 concern implementing an auction, and require: maintaining scheduled event records for a user within a computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot; receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the indicated time period, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services; determining scheduled event records for the user within the indicated time period; generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records; and receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount.

The Examiner cited section 2, para. 2 and section 1, para. 3 of Gans with respect to the auction requirements. (Sept. 2007 FOA, pg. 7)

The cited section 2 discusses the risk of fluctuating electricity pool prices. A pool market for electricity production has generators making half-hourly bids of generation and a price schedule and a pool operator using these bids for a dispatch schedule. (Gans, Section 1, para. 2) The cited section 2 further mentions that the availability of generation capacity is less predictable and generators choose how much electricity they will offer to produce. The cited section 1 mentions that generators and retailers can share risks associated with a fluctuating pool price.

The cited Gans discusses an electricity pool for bidding for electricity from generators. The Examiner recognized that Gans does not have a calendar feature, but found that that it is assumed that with half-hour increments there must be some calendar or system to calculate the day and time for the bid. (Sept. 2007 FOA, pg. 7) Applicants traverse.

Nowhere does the cited Gans anywhere teach or suggest displaying a calendar for a time period showing time slots, where an available time slot for which a bid may be submitted comprises a time range that does not include one scheduled event record for the user at a calendar time. Nowhere does the cited Gans anywhere teach that the available time slots for which bids may be received are based on calendar scheduled event records for the user requesting bids for a service.

The Examiner notes the "half hour" increments in Gans. (Sept. 2007 FOA, pg. 7) The cited section 1 mentions that the pool is characterized by generators making half-hourly bids of generation. Applicants submit that bidding at half hour intervals teaches away from using a user calendar of scheduled events to determine available time slots for which a bid may be submitted. If the bid is for half hour increments, then there would be no need to look at a calendar of the user soliciting the bids to determine available time slots for bidding because the bidding would be done for every half hour period, not based on available calendar time slots in a user calendar as claimed. Thus, the cited Gans teaches away from determining available time slots in a user calendar for time periods for which bids may be received because Gans mentions that bids are at half-hour increments.

In the Response to Arguments, the Examiner cited pg. 3 of Gans which mentions that a contract may have multiple strike prices for different times of the day or period of the year and that contracts may have a clause to only be called during certain time periods, such as peak times. Other cited contract terms include a constraint on when the option can be called and the length of the contract. The Examiner found that these discussions of the different type of contract terms on which people may bid shows that Gans "teaches features affecting a user to determine the available time periods for which bids may be received". (Sept. 2007 FOA, pg. 3)

Applicants traverse these findings because the cited Gans concerns terms for electricity contracts that provide insurance against excessive fluctuations in the price pool. (Gans, pg. 2, sec. 2). Nowhere in Gans discussion of different standard option contract terms, such as calling terms, contract length, etc., concerning a contract for electricity, is there any teaching or suggestion of displaying a calendar for a time period showing time slots, where an available time slot for which a bid may be submitted comprises a time range that does not include one scheduled event record for the user at a

calendar time. Applicants submit that the cited contract terms do not comprise scheduled event records from a user calendar used to determine available time slots for which bids may be submitted. For instance, the Examiner has not cited where Gans (or other art) shows looking at an electricity generator's calendar of scheduled events to determine calendar time slots during which bids may be submitted for a service. Instead, the cited Gans discusses the terms that may be included in an options contract.

Applicants submit that the cited Calabria also fails to teach the claim requirements. The Examiner cited pg. 137-142, specifically 139 (Sept. 2007 FOA, pg. 7). The cited Calabria discusses an electronic calendar in which the user may enter calendar appointments, events and invitations, and that a user can create an appointment or meeting and invite others to attend.

The cited Calabria discusses general electronic calendar operations and nowhere teaches or suggests how to use a calendar to determine available time slots for which bids may be received for a service. Further, nowhere does the cited Calabria anywhere teach or suggest how calendar scheduled events for a user are used to determine available time slots for which bids for a service may be received.

In the Response to Arguments, the Examiner disagreed that Calabria fails to suggest how to use a calendar to determine available time slots for which bids may be received, and pointed to pg. 138 of Calabria which says "Time – Set the duration of the calendar entry by setting." (Sept. 2007 FOA, pg. 3). Applicants traverse.

The cited "Time" setting allows the user to set the duration of the calendar entry by setting a beginning and ending time for appointments. Again, this concerns a normal calendar operation to allow a user to set an appointment time. Nowhere does the cited Calabria anywhere teach or suggest how calendar scheduled events for a user are used to determine available time slots for which bids for a service may be received.

Applicants submit that even if one combines Gann with Calabria, the cited combination still does not teach or suggest the claim requirements concerning using scheduled event records from a user calendar to determine available time slots for which bids may be received for a service requested by the user. Instead, the combination provides a system for providing bidding for electricity from generators and allowing users to set calendar appointments. The Examiner has not cited any art that suggests or

motivates one to use scheduled event records from a user calendar to determine available time slots for which bids may be submitted within an indicated time period, and then generating a template in which bids may be entered for available time slots, which are time periods that do not include one scheduled event as indicated in the scheduled event records.

Accordingly, Applicants request the Board to reverse the rejection of claims 1, 18, and 32 because the cited Gans and Calabria do not teach or suggest the claimed combination.

Applicants request the Board to reverse the rejection of claims 2-8, 12, 19-25, 29, 33-39, and 43 because they depend from one of claims 1, 18, and 32, which are patentable over the cited art for the reasons discussed above and because the additional requirements of these claims in combination with the base and any intervening claims provides further grounds of patentability over the cited art.

2. Claims 9, 26, and 40

Claims 9, 26, and 40 depend from claims 1, 18, and 32 and further require that the user is a service provider requesting that clients bid for the user to provide the service during available time slots, and that in response to an expiration of the bidding period, determining one bid in each of a plurality of available time slots having a highest bid amount for the available time slot if there is at least one bid submitted for the time slot; and accepting bids having the highest bid amounts in the available time slots.

The Examiner cited Section 1, para. 2 of Gans and the discussion of the "highest price pay" as teaching the claim requirements of determining a highest bid in each available time slot. (Sept. 2007 FOA, pg. 9) Applicants traverse.

The cited section 1 of Gann mentions that generators receive a system marginal price (SMP) on all units dispatched. The SMP is the highest price paid for any unit dispatched. Although the cited section 1 discusses generators receiving a highest price paid for any unit dispatched, there is no teaching or suggestion that in response to expiration of the bidding period, a determination is made of a highest bid amount in each of the available time slots.   Instead, the cited Gans discusses a highest price paid for a dispatched unit, not a highest bid amount in each available time slot having a bid.

In the Response to Arguments, the Examiner further cited pg. 3, paras. 1, 4, 6, 7, 8, and 9 (Sept. 2007 FOA, pg. 4), which discuss various option contract terms concerning when the contract can be called, the amount of capacity for which the contract can be called, safeguards against the contract being called, too much or too little, etc. The cited pg. 3 of Gans discusses the terms of the contracts upon which the users bid. This does not teach or suggest the claim requirements of determining a highest bid amount in each of the available time slots. Discussion of contract terms does not disclose how to determine highest bids for each of the available time slots if there is one bid for each time slot, where the time slots are determined from scheduled event records of a user calendar.

Accordingly, Applicants request the Board to reverse the rejection of claims 9, 26, and 40 because the cited combination does not teach or suggest the additional requirements of these claims.

3. Claims 10, 27, and 41

Claims 10, 27, and 41 depend from claims 1, 18, and 32 and further require that the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

The Examiner cited the PIM on pg. 139 of Calabria as teaching the additional requirements of these claims. (Sept. 2007 FOA, pg. 9) Applicants traverse.

The cited Calabria discusses creating a calendar entry and inviting others to meetings. Nowhere does the cited Calabria teach or suggest the that scheduled event records (or calendar entries) are used by a PIM to provide calendaring information independent of the use of these records to generate a template of available time slots for which bids are submitted. The Examiner has not cited any part of Calabria or other references that teach or suggest that the calendar or scheduled event records have a dual use, provide calendaring information as well as being used to determine available time slots for which bids may be submitted to provide a service to the user of the calendar.

In the Response to Arguments, the Examiner further cited pg. 140 and figure 22.2 of Calabria as showing calendar information and indicating available time slots. (Sept. 2007 FOA, pgs. 4-5) Applicants traverse.

The cited pg. 140 and figure 22.2 discusses an interface to determine the free time of invitees to an event, and that the user can check either by day or person to see invitee free time for availability to attend during a scheduled time. The interface panel further indicates that a scheduled time is not OK and recommends meeting times based on the invitee list.

The cited Calabria discusses how to look at the availability of invitees to schedule an event or appointment in a calendar system. Although the cited Calabria discusses providing calendar information, this does not teach or suggest that calendaring information is provided independent of the use to determine available time slots for which bids may be submitted to provide a service to the user. The cited Calabria does not teach or suggest the dual use of scheduled event records, to provide calendaring information and to determine available time slots for which bids may be submitted as part of an auction.

Accordingly, Applicants request the Board to reverse the rejection of claims 10, 27, and 41 because the cited combination does not teach or suggest the additional requirements of these claims.

4. Claims 11, 28, and 42

Claims 11, 28, and 42 depend from claims 1, 18, and 32 and further require displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

The Examiner cited pg. 139 of Calabria as teaching the additional requirements of these claims. (Sept. 2007 FOA, pg. 9) Applicants traverse.

Although the cited Calabria discusses how one may modify calendar entries in an electronic calendar, nowhere does the cited Calabria anywhere teach or suggest that modifying and adding scheduled event records limits available time slots for which bids

can be submitted to provide a service to the user. The Examiner has not cited any art that teaches or suggests how calendar or event records in a calendar database effect available time slots for which bids to provide a service may be submitted.

In the Response to Arguments, the Examiner further cited pg. 142, FIG. 22.3, noting that "changing the schedule would limit the available time slot is the same as the inventor's modifying scheduled event records limits available time slot." (Sept. 2007 FOA, pg. 5) Applicants traverse.

The cited FIG. 22.3 discusses how the user may check invitees' schedules to determine if the scheduled time is OK for everyone and view invitee schedules. Nowhere does this discussion of setting an appointment time teach, suggest or mention the claim requirements of modifying scheduled event records and adding scheduled event records to further limit available time slots for which bids can be submitted to provide a service. Instead, the cited Calabria discusses how one can view invitees' calendar schedules to determine an available time for an appointment, not for limiting available time slots for which bids can be submitted for a service. Again, the cited Calabria's discussion of general calendar operations does not teach or suggest the specific claim requirements concerning using and modifying calendar scheduled event records to limit and affect available time slots for which bids can be sub mitted for an auction.

Accordingly, Applicants request the Board to reverse the rejection of claims 11, 28, and 42 because the cited combination does not teach or suggest the additional requirements of these claims.

5. Claims 13, 30, and 44

Claims 13, 30, and 44 depend from claims 12, 29, and 43 and further require that each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

The Examiner referenced the findings in the previous office action dated Feb. 27, 2007, in which the Examiner cited pg. 138, FIG. 22.1 and the "brief description" of Calabria as teaching the additional requirements of these claims. (Sept. 2007 FOA, pg. 5, referencing Feb. 27, 2007 Office Action, pg. 6) Applicants traverse.

The cited pg. 138 shows how a user may create a calendar entry and an invitation to a meeting.

Although the cited Calabria discusses how a description of a calendar event may be provided, nowhere does the cited Calabria anywhere teach or suggest that a template displaying certain time slots as unavailable for bidding does not display a description of the scheduled event for that unavailable time slot. Thus, the claims require that even though there is a scheduled event for an unavailable time slot for bidding to provide a service, the description for that scheduled event record is not displayed. The cited Calabria's discussion of creating a calendar entry nowhere discloses how in an auction schedule, an unavailable time slot for bidding does not provide the description of the scheduled event for that time slot.

Accordingly, Applicants request the Board to reverse the rejection of claims 13, 30, and 44 because the cited combination does not teach or suggest the additional requirements of these claims.

6. Claims 15 and 17

Independent claim 15 recites a personal information manager, comprising: means for displaying scheduled events of a user for designated calendar time slots, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services; means for displaying a bid form indicating a bid for a service to be performed at available time slots void of a scheduled event; means for receiving input indicating at least one bid for the service to be performed at one available time slot; and means for submitting the bid form including the received input indicating at least one bid, over a network, for the service during one available time slot.

The Examiner rejected independent claim 15, directed to a personal information manager, for the reasons discussed above with respect to claim 1. (Sept. 2007 FOA, pg. 10) Applicants traverse for the reasons discussed with respect to claim 1 because claim 15 requires that bids for a service are to be performed at available time slots that are void of a scheduled event for the user, where the scheduled events are of a user for designated calendar time slots.

Notwithstanding that the Examiner on page 10 of the Sept. 2007 FOA found claim 15 obvious for the reasons discussed with respect to claim 1, in the Response to Arguments, the Examiner found that claim 15 has a different limitation than claim 1. (Sept. 2007 FOA, pg. 5). The Examiner then cited pg. 140 and FIG. 22.2 of Calabria, and the discussion of allowing the viewing of free time of the invitees as shown in the FIG. 22.2. (Sept. 2007 FOA, pg. 6) Applicants submit that the additional cited pg. 140 of Calabria also fails to teach or suggest the claim requirement.

The cited pg. 140 and figure 22.2 discusses an interface to determine the free time for invitees to your event, and you can check either by day or person to see their free time to see if everyone can attend during a scheduled time. The interface panel further indicates that a scheduled time is not OK and recommends meeting times based on the invitee list.

The cited Calabria discusses how to look at the availability of invitees to schedule an event or appointment in a calendar system. Although the cited Calabria discusses providing calendar information to schedule an appointment in a calendar system, this does not teach or suggest displaying a bid form indicating a bid for a service that is to be performed at available time slots void of a scheduled events for the user. Further, there is no disclosure that scheduled events of a user are displayed in the context of a bid for services. Instead, the cited Calabria discusses how one may view the schedules of invitees to determine a free time for an event, not to determine available time slots void of scheduled events to display in a bid form, where bids may be received for the service to be performed at the available time slots, void of the scheduled events.

Accordingly, Applicants request the Board to reverse the rejection of claim 15 because the requirements of claim 15 are not taught or suggested in the cited art.

Applicants further request the Board to reverse the rejection of claim 17 because claim 17 depends from claim 15, which is patentable over the cited art for the reasons discussed above.

B.   Conclusion

Each of the rejections set forth in the Final Office Action is improper and should be reversed.

Respectfully submitted,

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VIII.   Claims Appendix

1.   (Previously Presented) A method for implementing an auction, comprising:

maintaining scheduled event records for a user within a computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot;

receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the indicated time period, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services;

determining scheduled event records for the user within the indicated time period;

generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records; and

receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount.

2.   (Original) The method of claim 1, wherein multiple bids may be submitted for each available time slot.

3.   (Original) The method of claim 1, further comprising:

in response to an expiration of the bidding period, determining at least one bid having a most favorable amount; and

accepting the determined at least one bid.

4.   (Original) The method of claim 3, wherein accepting the bid further comprises:

notifying the user submitting the request for bids and each originator of each determined bid of the bid acceptance; and

storing information on the accepted bid with information on the received request in the computer database.

5.   (Original) The method of claim 1, wherein the request for bids further indicates a requested frequency indicating a number of multiple bids that will be accepted for the time period indicated in the bid, further comprising:

in response to an expiration of the bidding period, determining up to the indicated number of bids having the most favorable amounts.

6.   (Original) The method of claim 1, wherein the request for bids further indicates at least one time interval within the indicated time period during which one highest bid will be accepted, wherein one bid having the highest amount will be accepted within each time interval within the indicated time period.

7.   (Original) The method of claim 6, wherein the time interval is capable of comprising a day, a week, and a month.

8.   (Original) The method of claim 1, wherein the user is requesting service providers to bid to provide the service during at least one available time slot within the indicated time period, and wherein the most favorable bid comprises a lowest amount bid.

9.   (Previously Presented) The method of claim 1, wherein the user is a service provider requesting that clients bid for the user to provide the service during available time slots, further comprising:

in response to an expiration of the bidding period, determining one bid in each of a plurality of available time slots having a highest bid amount for the available time slot if there is at least one bid submitted for the time slot; and

accepting bids having the highest bid amounts in the available time slots.

10.   (Original) The method of claim 1, wherein the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

11.   (Original) The method of claim 1, further comprising:
displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

12.   (Original) The method of claim 1, wherein the template displays the time slots indicated in the determined scheduled event records as unavailable.

13.   (Original) The method of claim 12, wherein each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

14.   (Canceled)

15.   (Previously Presented) A personal information manager, comprising:
means for displaying scheduled events of a user for designated calendar time slots, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services;
means for displaying a bid form indicating a bid for a service to be performed at available time slots void of a scheduled event;
means for receiving input indicating at least one bid for the service to be performed at one available time slot; and

means for submitting the bid form including the received input indicating at least one bid, over a network, for the service during one available time slot.

16.   (Canceled)

17.   (Original) The personal information manager of claim 15, further comprising:

means for receiving and displaying information indicating acceptance of the submitted bid, wherein at least one submitted bid having a most favorable amount is accepted.

18.   (Previously Presented) A system for implementing an auction, comprising:

a computer database;

means for maintaining scheduled event records for a user within the computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot;

means for receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the indicated time period, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services;

means for determining scheduled event records for the user within the indicated time period;

means for generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records; and

means for receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount.

19. (Original) The system of claim 18, wherein multiple bids may be submitted for each available time slot.

20. (Original) The system of claim 18, further comprising:

means for determining at least one bid having a most favorable amount in response to an expiration of the bidding period; and

means for accepting the determined at least one bid.

21. (Original) The system of claim 20, wherein the means for accepting the bid further performs:

notifying the user submitting the request for bids and each originator of each determined bid of the bid acceptance; and

storing information on the accepted bid with information on the received request in the computer database.

22. (Original) The system of claim 18, wherein the request for bids further indicates a requested frequency indicating a number of multiple bids that will be accepted for the time period indicated in the bid, further comprising:

means for determining up to the indicated number of bids having the most favorable amounts in response to an expiration of the bidding period.

23. (Original) The system of claim 18, wherein the request for bids further indicates at least one time interval within the indicated time period during which one highest bid will be accepted, wherein one bid having the highest amount will be accepted within each time interval within the indicated time period.

24. (Original) The system of claim 23, wherein the time interval is capable of comprising a day, a week, and a month.

25. (Original) The system of claim 18, wherein the user is requesting service providers to bid to provide the service during at least one available time slot within the

indicated time period, and wherein the most favorable bid comprises a lowest amount bid.

26.   (Currently) The system of claim 18, wherein the user is a service provider requesting that clients bid for the user to provide the service during available time slots, further comprising:

means for determining, in response to an expiration of the bidding period, one bid in each of a plurality of available time slots having a highest bid amount for the available time slot if there is at least one bid submitted for the time slot in response to an expiration of the bidding period; and

means for accepting bids having the highest bid amounts in the available time slots.

27.   (Original) The system of claim 18, wherein the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

28.   (Original) The system of claim 18, further comprising:

means for displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

29.   (Original) The system of claim 18, wherein the template displays the time slots indicated in the determined scheduled event records as unavailable.

30.   (Original) The system of claim 29, wherein each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

31.   (Canceled)

32.   (Previously Presented) An article of manufacture including code for implementing an auction by:

maintaining scheduled event records for a user within a computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot;

receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the indicated time period, wherein the user comprises one of a service provider seeking bidders to purchase services offered by the user and a service user seeking service providers to bid to offer their services;

determining scheduled event records for the user within the indicated time period;

generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records; and

receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount.

33.   (Original) The article of manufacture of claim 32, wherein multiple bids may be submitted for each available time slot.

34.   (Original) The article of manufacture of claim 32, further comprising:

in response to an expiration of the bidding period, determining at least one bid having a most favorable amount; and

accepting the determined at least one bid.

35.   (Original) The article of manufacture of claim 34, wherein accepting the bid further comprises:

notifying the user submitting the request for bids and each originator of each determined bid of the bid acceptance; and

storing information on the accepted bid with information on the received request in the computer database.

36. (Original) The article of manufacture of claim 34, wherein the request for bids further indicates a requested frequency indicating a number of multiple bids that will be accepted for the time period indicated in the bid, further comprising:

in response to an expiration of the bidding period, determining up to the indicated number of bids having the most favorable amounts.

37. (Original) The article of manufacture of claim 34, wherein the request for bids further indicates at least one time interval within the indicated time period during which one highest bid will be accepted, wherein one bid having the highest amount will be accepted within each time interval within the indicated time period.

38. (Original) The article of manufacture of claim 37, wherein the time interval is capable of comprising a day, a week, and a month.

39. (Original) The article of manufacture of claim 34, wherein the user is requesting service providers to bid to provide the service during at least one available time slot within the indicated time period, and wherein the most favorable bid comprises a lowest amount bid.

40. (Previously Presented) The article of manufacture of claim 34, wherein the user is a service provider requesting that clients bid for the user to provide the service during available time slots, further comprising:

in response to an expiration of the bidding period, determining one bid in each of a plurality of available time slots having a highest bid amount for the available time slot if there is at least one bid submitted for the time slot; and

accepting bids having the highest bid amounts in the available time slots.

41.   (Original) The article of manufacture of claim 34, wherein the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

42.   (Original) The article of manufacture of claim 34, further comprising:
        displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

43.   (Original) The article of manufacture of claim 34, wherein the template displays the time slots indicated in the determined scheduled event records as unavailable.

44.   (Original) The article of manufacture of claim 43, wherein each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

45.   (Canceled)

IX.   Evidence Appendix

    None

X.   <u>Related Proceedings Appendix</u>

None